

## SUBCHAPTER F : ANIMAL CONFINEMENT

### §106.161. Animal Feeding Operations (Previously SE 62).

Animal feeding operations which confine animals in numbers specified in paragraph (1) of this section and any associated on-site feed handling and/or feed milling operations which satisfy the following conditions of this section are exempt.

(1) Operations designed to feed no more than:

- (A) 1,000 cattle;
- (B) 1,000 horses and mules;
- (C) 2,500 swine weighing more than 55 pounds;
- (D) 10,000 sheep and goats; or
- (E) 1,000 animal equivalents.

(2) Where a combination of cattle, swine weighing over 55 pounds, horses and mules, or sheep and goats are present, animal equivalents shall be calculated by adding the following numbers. Figure: 30 TAC §106.161(2)

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$$\begin{array}{rcl} & & 1.0 \times (\text{number of cattle}) \\ + & & 0.4 \times (\text{number of swine weighing over 55 pounds}) \\ + & & 2.0 \times (\text{number of horses and mules}) \\ + & & 0.1 \times (\text{number of sheep and goats}) \\ \hline \text{Total} = & & \text{animal equivalents.} \end{array}$$

(3) In determining the number of animals or animal equivalents, mothers with nursing young shall be counted as a single animal while the young are nursing. Once removed from the mother, the young animals shall be counted when determining the number of animals or animal equivalents. Swine weighing 55 pounds or less shall be allowed, but not counted in determining the number of animals or animal equivalents. Animals on pasture are not considered as part of the animal feeding operation.

(4) Operations designed to feed no more than 55,000 turkeys or other birds, excluding ducks, concentrated on open lots.

(5) Operations designed to feed no more than 5,000 ducks.

(6) All caged poultry operations designed to feed no more than 30,000 birds.

(7) All housed poultry operations when wood shavings or similar material is used as litter.

(8) All caged poultry operations designed to feed more than 30,000 birds when a dry manure storage and handling system is used and when located at least 1/4 mile from any recreational area or residence or other structure not occupied or used solely by the owner of the egg laying or caged pullet operation. Before construction of the caged laying and caged pullet operations begins, written site approval shall be received from the executive director and the facility shall be registered with the commission's Office of Air Quality using Form PI-7.

(9) For the associated on-site feed handling and/or feed milling operations to be covered under this section, no products from the feed handling and or feed milling shall be shipped off-site.

Adopted February 19, 1997

Effective March 14, 1997

**§106.162. Livestock Auction Facilities (Previously SE 63).**

Livestock auction sales facilities are exempt, provided the following conditions of this section are satisfied.

(1) All holding pens shall be covered by a roof.

(2) All traffic areas shall be paved and cleaned, oiled, or sprinkled with water and/or chemicals as necessary to achieve maximum control of dust emissions.

(3) Manure shall be cleaned from pens as necessary to prevent an odor nuisance and disposed of in a manner which will not create a nuisance.

(4) Dead animals shall be properly disposed of within 24 hours after death.

(5) The facility shall be located at least 600 feet from any recreational area or residence or other structure not occupied or used solely by the owner or operator of this facility.

(6) Before construction of the facility begins, written site approval shall be received from the executive director and the facility shall be registered with the commission's Office of Air Quality in Austin using Form PI-7.

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**§106.163. Race Tracks, Zoos, and Animal Shelters (Previously SE 72).**

All animal racing facilities, domestic animal shelters, zoos, and their associated confinement areas, stables, feeding areas, and waste collection and treatment facilities are exempt. Incineration units are not authorized under this section.

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